

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 TOMMIE LEE MCDOWELL, JR.,

4 Plaintiff

Case No. 3:19-cv-00230-MMD-WGC

ORDER

5 v.

6 HULSEY et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983 and has filed a  
12 motion for a copy of his complaint. (ECF Nos. 1-1, 3). Plaintiff has neither paid the full  
13 filing fee for this matter nor filed an application to proceed *in forma pauperis*.<sup>1</sup>

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
15 application to proceed *in forma pauperis* and attach both an inmate account statement  
16 for the past six months and a properly executed financial certificate. The Court will retain  
17 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
18 payment of the filing fee is resolved.<sup>2</sup> Plaintiff will be granted an opportunity to file an  
19 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this  
20 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file  
21 a fully complete application to proceed *in forma pauperis*.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
24 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
25 as the document entitled information and instructions for filing an *in forma pauperis*  
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27 <sup>1</sup> Plaintiff states that he submitted a brass slip to the NDOC to pay the \$350 filing  
28 fee. (ECF No. 1-2). The Court has not received the funds as of this date.

<sup>2</sup> The Court grants Plaintiff’s motion for a copy of his complaint (ECF No. 3).

1 application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
3 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
4 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
5 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
6 fee and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the motion for a copy of the complaint (ECF No.  
10 3) is granted. The Clerk of the Court will send Plaintiff a copy of the complaint (ECF No.  
11 1-1).

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
13 (ECF No. 1-1) but will not file it at this time.

14  
15 DATED THIS 15th day of May 2019.

16 William G. Cobb  
17 UNITED STATES MAGISTRATE JUDGE  
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